

HOUSE BILL 75

E1, E3

0lr0110

(PRE-FILED)

By: **Chair, Judiciary Committee (By Request – Departmental – Juvenile Services)**

Requested: October 29, 2009

Introduced and read first time: January 13, 2010

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 16, 2010

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Escape from Juvenile Facility**

3 FOR the purpose of altering the elements of the crimes of escape in the first degree
4 and escape in the second degree to include a prohibition against escape from a
5 privately operated, ~~physically~~ hardware secure facility for juveniles committed
6 to the Department of Juvenile Services; defining a certain term; altering a
7 certain definition; and generally relating to escape from a juvenile facility.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 9–401, 9–404, and 9–405
11 Annotated Code of Maryland
12 (2002 Volume and 2009 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Human Services
15 Section 9–226
16 Annotated Code of Maryland
17 (2007 Volume and 2009 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Criminal Law**

2 9–401.

3 (a) In this subtitle the following words have the meanings indicated.

4 (b) “Concealment” means hiding, secreting, or keeping out of sight.

5 (c) “Escape” retains its judicially determined meaning.

6 (d) “Fugitive” means an individual for whom a felony arrest warrant has
7 been issued and is outstanding.

8 (e) (1) “Harbor” includes offering a fugitive or escaped inmate:

9 (i) concealment;

10 (ii) lodging;

11 (iii) care after concealment; or

12 (iv) obstruction of an effort of an authority to arrest the fugitive
13 or escaped inmate.14 (2) “Harbor” does not include failing to reveal the whereabouts of a
15 fugitive or an escaped inmate by a person who did not participate in the effort of the
16 fugitive or escaped inmate to elude arrest.17 ~~(F) “PHYSICALLY SECURE FACILITY” MEANS A FACILITY WITH A~~
18 ~~PERIMETER THAT RESTRICTS A PERSON PLACED WITHIN IT AND PREVENTS~~
19 ~~UNAUTHORIZED ACCESS.~~20 (F) “HARDWARE SECURE FACILITY” MEANS A FACILITY THAT IS
21 SECURELY LOCKED OR FENCED TO PREVENT ESCAPE.

22 [(f)] (G) (1) “Place of confinement” means:

23 (i) a correctional facility;

24 (ii) a facility of the Department of Health and Mental Hygiene;
25 or26 (iii) any other facility in which a person is confined under color of
27 law.

28 (2) “Place of confinement” does not include:

- 1 (i) a detention center for juveniles;
- 2 (ii) a facility for juveniles listed in § 9–226(b) of the Human
3 Services Article; [or]
- 4 (iii) a place identified in a juvenile community detention order;
- 5 **OR**

6 **(IV) A PRIVATELY OPERATED, ~~PHYSICALLY~~ HARDWARE**
7 **SECURE FACILITY FOR JUVENILES COMMITTED TO THE DEPARTMENT OF**
8 **JUVENILE SERVICES.**

9 9–404.

- 10 (a) A person may not knowingly escape from a place of confinement.
- 11 (b) A person may not:
- 12 (1) escape from:
- 13 (i) a detention center for juveniles;
- 14 (ii) a facility for juveniles listed in § 9–226(b) of the Human
15 Services Article; [or]
- 16 (iii) a place identified in a juvenile community detention order;
- 17 **[and] OR**

18 **(IV) A PRIVATELY OPERATED, ~~PHYSICALLY~~ HARDWARE**
19 **SECURE FACILITY FOR JUVENILES COMMITTED TO THE DEPARTMENT OF**
20 **JUVENILE SERVICES; AND**

- 21 (2) in the course of the escape commit an assault.
- 22 (c) A person who violates this section is guilty of the felony of escape in the
23 first degree and on conviction is subject to imprisonment not exceeding 10 years or a
24 fine not exceeding \$20,000 or both.

25 9–405.

- 26 (a) (1) A person who has been lawfully arrested may not knowingly
27 depart from custody without the authorization of a law enforcement or judicial officer.
- 28 (2) A person may not knowingly fail to obey a court order to report to a
29 place of confinement.
- 30 (3) A person may not escape from:

1 (i) except as otherwise punishable under § 9–404(b) of this
 2 subtitle, a detention center for juveniles or a facility for juveniles listed in § 9–226(b) of
 3 the Human Services Article;

4 (ii) a place identified in a home detention order or agreement;
 5 [or]

6 (iii) a place identified in a juvenile community detention order;
 7 OR

8 (IV) A PRIVATELY OPERATED, ~~PHYSICALLY~~ HARDWARE
 9 SECURE FACILITY FOR JUVENILES COMMITTED TO THE DEPARTMENT OF
 10 JUVENILE SERVICES.

11 (b) (1) This subsection applies to a person who is:

12 (i) temporarily released from a place of confinement;

13 (ii) committed to a pretrial agency;

14 (iii) committed to home detention by:

15 1. the court; or

16 2. the Division of Correction under Title 3, Subtitle 4 of
 17 the Correctional Services Article;

18 (iv) committed to a home detention program administered by a
 19 county;

20 (v) committed to a private home detention monitoring agency as
 21 defined in § 20–101 of the Business Occupations and Professions Article; or

22 (vi) ordered by a court to serve a term of custodial confinement
 23 as defined in § 6–219 of the Criminal Procedure Article as a condition of a suspended
 24 sentence or probation before or after judgment.

25 (2) A person may not knowingly:

26 (i) violate any restriction on movement imposed under the
 27 terms of a temporary release, pretrial commitment, custodial confinement, or home
 28 detention order or agreement;

29 (ii) fail to return to a place of confinement under the terms of a
 30 temporary release, pretrial commitment, custodial confinement, or home detention
 31 order or agreement; or

1 (iii) remove, block, deactivate, or otherwise tamper with a
2 monitoring device required to be worn or carried by the person to track the person's
3 location, including an ankle or wrist bracelet, global position satellite offender
4 tracking technology, or comparable equipment or system.

5 (c) A person who violates this section is guilty of the misdemeanor of escape
6 in the second degree and on conviction is subject to imprisonment not exceeding 3
7 years or a fine not exceeding \$5,000 or both.

8 Article – Human Services

9 9–226.

10 (a) The Department may establish and operate the facilities that are
11 necessary to properly diagnose, care for, train, educate, and rehabilitate children who
12 need these services.

13 (b) The facilities described in subsection (a) of this section include:

- 14 (1) the Alfred D. Noyes Children's Center;
- 15 (2) the Baltimore City Juvenile Justice Center;
- 16 (3) the Charles H. Hickey, Jr. School;
- 17 (4) the Cheltenham Youth Facility;
- 18 (5) the J. DeWeese Carter Center;
- 19 (6) the Lower Eastern Shore Children's Center;
- 20 (7) the Thomas J. S. Waxter Children's Center;
- 21 (8) the Victor Cullen Center;
- 22 (9) the Western Maryland Children's Center; and
- 23 (10) the youth centers.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2010.
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